S.B.CRIMINAL MISC. BAIL APPLICATION NO.4659/2006

Date : 01.11.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. G.M. Khan for the applicant.
Mr. V.R. Mehta, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

Learned counsel for the applicant submits that in the present case below commercial quantity of 'smack' was recovered from the possession of the applicant and though 4-5 cases are pending against him under the provisions of the NDPS Act but he has not been convicted, therefore, he may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me.

The allegation against the applicant is that he is indulged in selling contraband material and it appears that there are many cases pending against him under the NDPS Act, therefore, I do not find it to be a fit case to extend benefit of bail to the applicant. However, at this stage,learned counsel for the applicant submits that he may be given liberty to file fresh application after filing of charge-sheet.

In view of above submission, if it is considered proper by the applicant and if advised so, he may move regular bail application for consideration after filing of charge-sheet before the learned trial court.

Accordingly, the bail application moved by the applicant under Section 439 Cr.P.C. is rejected.

(SATYA PRAKASH PATHAK), J.

vijayant